

The opinion in support of the decision being entered today was not written for publication in a law journal and is not binding precedent of the Board.

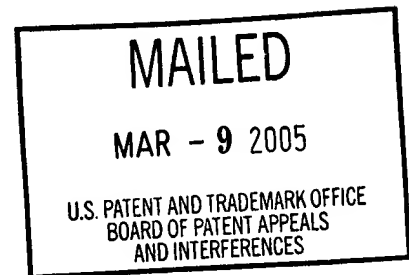
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte DAVID J. SQUIRRELL,
RACHEL L. PRICE, and
MELENIE J. MURPHY

Appeal No. 2005-0397
Application 09/529,722

ORDER DISMISSING APPEAL



Before HARKCOM, Acting Chief Administrative Patent Judge, and
WILLIAM F. SMITH and NASE, Administrative Patent Judges.

Per curiam.

On February 14, 2005, counsel for the appellants filed a communication waiving attendance of the Hearing scheduled for March 10, 2005. Counsel also indicated in that communication that a Request for Continued Examination (RCE) "is being filed herewith (copy attached) such that Appeal No. 2005-0397 is being abandoned, without prejudice."

Pursuant to the notice entitled "Request for Continued Examination Practice and Changes to Provisional Application Practice," 65 Fed. Reg. 50092, 50095 (Aug. 16, 2000), and the provisions of 37 CFR § 1.114(d), a request for continued examination under 37 CFR § 1.114 filed after appeal has been taken, but prior to a decision on the appeal, "will be treated as a request to withdraw the appeal and to reopen prosecution of the application before the examiner."

Accordingly, the appeal in this application is dismissed.

